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September 4, 2020

By ECF

Hon. John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Application granted. The hearing is adjourned to  
**December 10, 2020 at 2:30pm.**

**SO ORDERED.**

New York, NY      /s/ John G. Koeltl  
September 9, 2020    John G. Koeltl, U.S.D.J

**Re:    United States v. Shivanand Maharaj, No. S1 17 Cr. 169-2 (JGK)**

Dear Judge Koeltl:

We write on behalf of Shivanand Maharaj to request respectfully that the sentencing hearing in this matter, presently scheduled for September 25, 2020 (with defense papers due September 11, 2020), be adjourned to a date convenient to the Court in November 2020. We make this request based on the ongoing public health crisis and the issues it continues to present for in-person court proceedings, and the heightened risks that COVID-19 particularly poses for Mr. Maharaj and his family. We have conferred with A.U.S.A. Matthew Podolsky on this request, and the government takes no position on this application.

As an initial matter, while we understand at this time that sentencing and related proceedings are being offered by the District Court by way of video or audio-conference, our client does not consent to waive his in-person appearance at his sentencing hearing, where his loss of liberty is at stake. Under the CARES Act, the defendant must consent after consulting with counsel. *See* CARES Act, at § 15002(b)(4). We have consulted with Mr. Maharaj and, as stated above, he does not provide such consent.

Proceeding with Mr. Maharaj's sentencing as scheduled also would create a particular hardship for Mr. Maharaj's family. Mr. Maharaj's wife, Reena, just gave birth on August 21, 2020. She is experiencing medical complications that require her to limit physical activity in the coming months, causing her to rely on her husband for assistance with daily tasks. It is not safe for Reena, or anyone in the family, to travel anywhere where they may risk infection. The Maharaj family is highly sensitive to not exposing their newborn son to any possible contact with the virus. They also have a five-year-old child at home, for whom they have similar concerns. Reena, who is a physician acutely aware of the virus risks, has taken substantial precautions to avoid exposure in order to keep her young family safe, including limiting any trips outside of the

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house. Travelling from New Jersey to a courtroom proceeding in Manhattan is inconsistent with these efforts.

Given these circumstances, we respectfully request that the sentencing proceeding in this matter be adjourned to a date in November 2020 that is convenient to the Court.

Respectfully yours,

MEISTER SEELIG & FEIN LLP

/s/ELL

By: Evan L. Lipton

Henry E. Mazurek

*Counsel for Shivanand Maharaj*

cc: Government Counsel (by ECF)